

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA      )  
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    ) 2:18-cr-00143-JDL-1  
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AKEEM CRUZ,                        )  
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    )  
Defendant.                         )

**ORDER ON MOTION FOR COMPASSIONATE RELEASE**

On August 22, 2019, Akeem Cruz pleaded guilty to one count of Conspiracy to Possess with Intent to Distribute Cocaine Base and More than 100 grams of Heroin, in violation of 21 U.S.C.A. §§ 846, 841(b)(1)(B) (West 2022). On April 27, 2021, Cruz was sentenced to a term of imprisonment of 100 months, to be followed by a term of supervised release of four years. Cruz, appearing pro se, has moved for compassionate release (ECF No. 571) under 18 U.S.C.A. § 3582(c)(1)(A)(i) (West 2022), based on the alleged health risks he faces in federal custody at FCI Beckley during the COVID-19 pandemic.

On April 11, 2022, the Court issued an Order to Show Cause (ECF No. 574), directing Cruz to submit a written response within 21 days, explaining (1) any objections he has to the information contained in the Summary Report, and (2) any additional information relevant to his motion for compassionate release. The Order to Show Cause provided notice that failure to respond would result in the denial of Cruz's motion for compassionate release.

On April 28, 2022, Cruz responded to the Order to Show Cause which the Court received on May 6, 2022 (ECF No. 576). In his response, Cruz asserts that FCI

Beckley has failed to implement a plan to stop the spread of COVID-19 at the facility, and that he faces a high risk of contracting COVID-19 due to the number of infections reported at the facility in various months throughout 2021, as well as January and February 2022.

As explained in my previous Order, Cruz suffers from pre-existing medical conditions that the CDC has identified as putting individuals at higher risk of severe illness from COVID-19. His response to the Order to Show Cause fails to demonstrate, however, that he is at a heightened risk of contracting COVID-19 at FCI Beckley, where he is serving his sentence. According to the statistics gathered and updated daily by the Bureau of Prisons, there are currently no active COVID-19 cases among inmates or staff at FCI Beckley, and those who previously tested positive at the prison have recovered. *COVID-19 Coronavirus*, Fed. Bureau of Prisons, <https://www.bop.gov/coronavirus/> (“COVID-19 Cases” section, “Full breakdown and additional details” hyperlink) (last visited May 25, 2022). Thus, Cruz is not entitled to compassionate release.

Accordingly, it is **ORDERED** that Cruz’s Motion for Compassionate Release (ECF No. 571) is **DENIED**.

**SO ORDERED.**

Dated: May 25, 2022

/s/ JON D. LEVY  
CHIEF U.S. DISTRICT JUDGE